

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CRIMINAL #04-10288-RWZ

UNITED STATES

v.

PHILIP ALBERT

AFFIDAVIT OF MARC R. SALINAS

I, Marc R. Salinas, do hereby depose and state as follows:

1. I am an attorney admitted to practice law in the Commonwealth of Massachusetts. Together with my firm, Andrews & Updegraph, P.C., we are counsel for the defendant, Philip Albert.
2. The United States of America has identified what appears to be over 200 items of audio and videotaped surveillance evidence in this case. The Government has provided to counsel a log of all the surveillance evidence and made the evidence available for inspection at the Office of the United States Attorney. This evidence is available for inspection so that each defendant is not required to incur the costs associated with reproduction of evidence irrelevant to their defense.
3. My office has arranged to inspect the audio-visual evidence in this case on three (3) separate dates. The United States Attorney's Office requires that the inspections of the audio-visual evidence be supervised by their office. As such, each visit was limited to three (3) hours.
4. To date, our office has reviewed approximately forty (40) audio/videotapes. Approximately ten (10) did not work, were blank or scrambled.
5. One (1) appointment was cancelled by the United States Attorney's Office and one (1) more was re-scheduled.
6. Our office is waiting to hear back from the United States Attorney's Office to schedule additional dates to review the audio-visual evidence in this case.

7. Prior to filing *Defendant, Philip Albert's Motion for Leave to File Individual Motions for Discovery and to Extend the Deadline to File Motions for Discovery*, I attempted to reach Assistant United States Attorney, David Tobin to obtain his assent to the motion and discuss the issues raised in the motion. I was informed that he is out of the office until March 7, 2005 - after the deadline for filing a consolidated motion for discovery passes.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS
SECOND DAY OF MARCH, 2005.



Marc R. Salinas